

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

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2015 Legislative

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BUSINESS REPORT

**MONTANA SENATE
64th LEGISLATURE - REGULAR SESSION**

SENATE NATURAL RESOURCES COMMITTEE

Date: Wednesday, February 18, 2015
Place: Capitol

Time: 3:00 PM
Room: 303

BILLS and RESOLUTIONS HEARD:

SB 323 - Require state intervention in federal projects - Sen. Jennifer Fielder
SB 325 - Revise process for adopting water quality regulations - Sen. Jim Keane
SB 329 - Limit liability for aviation on state lands - Sen. Pat Connell
SB 355 - Revise brownfield site clean up eligibility laws - Sen. Duane Ankney

EXECUTIVE ACTION TAKEN:

SB 261 - Do Pass as Amended
SB 118 - Do Pass as Amended
SB 215 - Be Tabled
SB 218 - Be Tabled
SB 273 - Be Tabled

Comments:



SEN. Chas Vincent, Chair

This is roll call for Senate Nat. Resources
Feb 18th 2015

MONTANA STATE SENATE
Roll Call
NATURAL RESOURCES COMMITTEE

DATE: Feb 18th 2015

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR RICK RIPLEY, VICE CHAIR	X	
SENATOR CHRISTINE KAUFMANN	X	
SENATOR DUANE ANKNEY		X
SENATOR JOHN BRENDEN	X	
SENATOR PAT CONNELL	X	
SENATOR JENNIFER FIELDER	X	
SENATOR BRADLEY MAXON HAMLETT	X	
SENATOR BRIAN HOVEN	X	
SENATOR JIM KEANE	X	
SENATOR CLIFF LARSEN	X	
SENATOR MIKE PHILLIPS	X	
SENATOR CHAS VINCENT, CHAIR	X	



SENATE STANDING COMMITTEE REPORT

February 18, 2015

Page 1 of 1

Madame President:

We, your committee on **Natural Resources** report that **Senate Bill 261** (first reading copy -- white) **do pass as amended.**

Signed: _____

Chas Vincent

Senator Chas Vincent, Chair

And, that such amendments read:

1. Page 5.

Following: line 3

Insert: "(4) The oversight team shall seek a depredation order from the United States fish and wildlife service under the Migratory Bird Treaty Act of 1918, as necessary, to control common raven (*Corvus corax*) or black-billed magpie (*Pica hudsonia*) to reduce depredation on sage grouse populations and their nests."

2. Page 5, line 21.

Following: "generate credits"

Insert: "that are available for compensatory mitigation under [section 9]"

3. Page 7.

Following: line 13

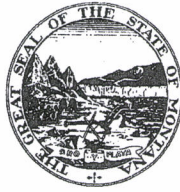
Insert: "(5) If a grant is awarded to a proposed project that uses matching funds from a source that prohibits the generation of credits for compensatory mitigation, the oversight team, when possible, shall allocate the credits generated by the proposed project on a pro rata basis and make available for compensatory mitigation under [section 9] only those credits attributable to funds awarded pursuant to this section and any unrestricted matching funds."

- END -

Committee Vote:

Yes 10, No 2

Fiscal Note Required X



SENATE STANDING COMMITTEE REPORT

February 18, 2015

Page 1 of 1

Madame President:

We, your committee on **Natural Resources** report that **Senate Bill 118** (first reading copy -- white) **do pass as amended.**

Signed: _____

A handwritten signature in cursive script, reading "Chas Vincent", is written over a horizontal line.

Senator Chas Vincent, Chair

And, that such amendments read:

1. Title, page 1, line 5.

Following: "RIGHT;"

Insert: "REQUIRING NOTICE TO THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION IN CASE OF DISRUPTION;"

2. Page 2, line 3.

Strike: "are"

Insert: "is"

3. Page 2, line 5.

Following: "right."

Insert: "In the event that the means of conveyance is disrupted,
impeded, or otherwise blocked, the appropriator shall notify
the department by certified mail of the disruption,
impediment, or blockage."

- END -

Committee Vote:

Yes 6, No 5

Fiscal Note Required ☐

SB0118001SC.spt

BILL TABLED NOTICE

SENATE NATURAL RESOURCES COMMITTEE

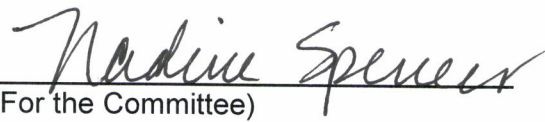
The **SENATE NATURAL RESOURCES COMMITTEE** TABLED

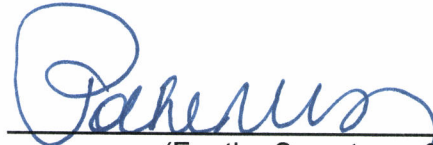
SB 215 - Revise public land laws - Sen. Jennifer Fielder

SB 218 - Increase bond for certain metal mines - Sen. Mary Sheehy Moe

SB 273 - Revise soil and conservation district laws - Sen. Jennifer Fielder

by motion, on **Wednesday, February 18, 2015** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).


(For the Committee)


(For the Secretary of the Senate)
9:05 / 2/21
(Time) (Date)

February 21, 2015 (9:00am)

Taylor Fridrich, Secretary

Phone: 444-1619

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 2 / 18 / 15 BILL NO SB 261 MOTION NO. _____
 MOTION: Do Pass as Amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR RICK RIPLEY, VICE CHAIR	X		
SENATOR CHRISTINE KAUFMANN	X		
SENATOR DUANE ANKNEY	X		X
SENATOR JOHN BRENDEN		X	X
SENATOR PAT CONNELL	X		
SENATOR JENNIFER FIELDER		X	
SENATOR BRADLEY MAXON HAMLETT	X		
SENATOR BRIAN HOVEN	X		
SENATOR JIM KEANE	X		
SENATOR CLIFF LARSEN	X		
SENATOR MIKE PHILLIPS	X		
SENATOR CHAS VINCENT, CHAIR	X		

10 2

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 2 / 18 / 15 BILL NO SB 215 MOTION NO. _____

MOTION: Substitute Motion to Table

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR RICK RIPLEY, VICE CHAIR	X		
SENATOR CHRISTINE KAUFMANN	X		
SENATOR DUANE ANKNEY	X		X
SENATOR JOHN BRENDEN	X		X
SENATOR PAT CONNELL	X		
SENATOR JENNIFER FIELDER		X	
SENATOR BRADLEY MAXON HAMLETT	X		
SENATOR BRIAN HOVEN	X		
SENATOR JIM KEANE	X		
SENATOR CLIFF LARSEN	X		
SENATOR MIKE PHILLIPS	X		
SENATOR CHAS VINCENT, CHAIR	X		

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1

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 2/18/15 BILL NO SB 218 MOTION NO. _____

MOTION: Substitute motion do Pass

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR RICK RIPLEY, VICE CHAIR		X	
SENATOR CHRISTINE KAUFMANN	X		
SENATOR DUANE ANKNEY		X	X
SENATOR JOHN BRENDEN		X	X
SENATOR PAT CONNELL		X	
SENATOR JENNIFER FIELDER		X	
SENATOR BRADLEY MAXON HAMLETT		X	
SENATOR BRIAN HOVEN		X	
SENATOR JIM KEANE		X	
SENATOR CLIFF LARSEN		X	
SENATOR MIKE PHILLIPS	X		
SENATOR CHAS VINCENT, CHAIR		X	

2

10

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 2/18/15 BILL NO SB 118 MOTION NO. _____
 MOTION: Do Pass as Amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR RICK RIPLEY, VICE CHAIR		X	
SENATOR CHRISTINE KAUFMANN		X	
SENATOR DUANE ANKNEY		X	
SENATOR JOHN BRENDEN			
SENATOR PAT CONNELL	X		
SENATOR JENNIFER FIELDER	X		
SENATOR BRADLEY MAXON HAMLETT	X		
SENATOR BRIAN HOVEN	X		
SENATOR JIM KEANE		X	
SENATOR CLIFF LARSEN	X		
SENATOR MIKE PHILLIPS	X		
SENATOR CHAS VINCENT, CHAIR		X	

6

5

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 2 / 18 / 15 BILL NO SB 273 MOTION NO. _____
 MOTION: Do Pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR RICK RIPLEY, VICE CHAIR		X	
SENATOR CHRISTINE KAUFMANN		X	
SENATOR DUANE ANKNEY		X	
SENATOR JOHN BRENDEN	X		X
SENATOR PAT CONNELL		X	
SENATOR JENNIFER FIELDER	X		
SENATOR BRADLEY MAXON HAMLETT	X		
SENATOR BRIAN HOVEN	X		
SENATOR JIM KEANE		X	
SENATOR CLIFF LARSEN		X	
SENATOR MIKE PHILLIPS		X	
SENATOR CHAS VINCENT, CHAIR		X	

4 8

SENATE PROXY

I, Senator DUANE ANKNEY, hereby authorize Senator
Ripley
Natural Resources to vote my proxy before the Senate
meeting held on 2-18, 2015.

Duane Ankney
Senator Signature

2-18-15
Date

Said authorization is as follows: (mark only one)

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
SB 261		
Amendment 26101	X	
Amendment 26102	X	
SB 261	X	
SB 215 table	X	
SB 218		X
SB 118		
Amendment 11801	X	
SB 118	X	X

SENATE PROXY

I, Senator JOHN BRENDEN, hereby authorize Senator
Ripley or Chm Vincent to vote my proxy before the Senate
Natural Resources meeting held on Feb 18, 2015.

John C. Brenden
Senator Signature

Feb 18, 2015
Date

Said authorization is as follows: (mark only one)

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
SB 118	X	.
SB 215 (vote to table)	X	
SB 261		X
SB 159	X	.
SB 218		X
SB 273	X	

MONTANA STATE SENATE
Visitors Register
SENATE NATURAL RESOURCES COMMITTEE

Wednesday, February 18, 2015

SB 325 - Revise process for adopting water quality regulations

Sponsor: Sen. Jim Keane

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Beth Gaeding	Northern Plains		X	
Wendy Morstad	constituent NOT TO SPEAK		X	
Leo Berry	SNP	X		
Ron Bray	constituent		X	
Claudia Nowak	citizen		X	
Derf Johnson	MEIC		X	
Marilyn Poske	Citizen/constituent		X	
Amy Seaman	Montana Audubon		X	
Bud Cunch	MCC	X		
Matt Moore	Battle-Silver Bow	X		
Shuli Dabic	MT Conservation Voters		X	
Dave Gert	MPA	X	X	
Amee Gempfer	ARCA COAL	X		
Brenda Lindlie-Hall	Tongue River Water Users		X	
Stan Frasier	Helena Hunters		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

Visitors Register

SENATE NATURAL RESOURCES COMMITTEE

Wednesday, February 18, 2015

SB 323 - Require state intervention in federal projects

Sponsor: **Sen. Jennifer Fielder**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE NATURAL RESOURCES COMMITTEE

Sponsor: **Sen. Pat Connell**

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE NATURAL RESOURCES COMMITTEE

Sponsor: **Sen. Duane Ankney**

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Date: 2 / 18 / 15

Bill No. SB 355

Fridrich, Taylor

From: Nowakowski, Sonja
Sent: Monday, February 23, 2015 1:28 PM
To: Fridrich, Taylor
Subject: FW: letter

Hi Taylor,
Can you provide a copy of this as requested in the email?
Thanks,
Sonja

From: Jason Rittal [<mailto:jrittal@midrivers.com>]
Sent: Monday, February 23, 2015 1:24 PM
To: Nowakowski, Sonja
Cc: 'Duane Ankney'
Subject: FW: letter

Sonja,

I was going to forward this email for Ms. Lantis to the committee members but I cannot find Senator Keane's email and it is too long to submit via the leg site so I will leave it to you to help me out if you would.

Thanks,

Jason Rittal

From: Leann Lantis [<mailto:lantis@midrivers.com>]
Sent: Monday, February 23, 2015 12:53 PM
To: jrittal@midrivers.com
Subject: letter

Chairman Vincent & Members of the Committee:

My name is Leann Lantis. My husband and I bought the 4-Corners convenience store in our lifelong hometown of Terry in late 2013. Shortly after our purchase we were notified that an inspection of our underground storage tanks would be forthcoming. Please keep in mind that the tanks in the ground at that time were replaced in 1998 a relatively short time in the expected lifespan of the tank.

Upon inspection the department determined that the two Underground Storage Tanks did not have a valid form of leak detection and that a reportable suspect release event is triggered and they directed us to empty the tanks and conduct a Tank Tightness Test to determine if either tank is releasing product.

The tests came back that no product was being released to the environment (the tanks were not leaking). Options were discussed but because underground water was found entering the interstice between the first and second walls of the tanks they could not be repaired but rather had to be replaced. As you can imagine after having just purchased the facility this news was quite a blow, in fact it was over a \$300,000 blow.

During our effort to finance the removal and replacement of the tanks we engaged the Eastern Montana Brownfield Coalition (EMBC) via our Certified Regional Development Corporation, Eastern Plains EDC, in the hopes that some sort of financing could be made available. After several discussions regarding Brownfield

eligible expenditures it was determined that the program could not assist with the tank replacement but removal of the old tanks could be a way that the Brownfield program could assist. It was a small ticket item (\$30,000 or so), but frankly at this point in our efforts to secure money to fix the problems it would have been a great help.

DEQ gave us a 90 day temporary permit to get all this figured out and new tanks on the way.....a very limited time period considering we had just purchased the business. Knowing that the Brownfield Coalition quickly sent a request for approval of the site as brownfield eligible to the state DEQ so that the removal of the old tanks could be considered by EPA as a project under the EMBC program. Multiple discussions with EPA, as their funder, occurred to get EPA's opinion on the project and whether it would be a fit. Verbal determinations were that it would be but that it needed to go through MT DEQ first.

In the end DEQ would not determine my site Brownfield Eligible and here is what I was told as to why:

1. Our site is Petrofund eligible and thereby Brownfield ineligible.
2. We are an operating gas station and thereby not Brownfield eligible because we are dispensing fuel, even though there was no evidence of contamination caused by our dispensing.
3. Our \$300,000 plus investment in our business was not considered expansion, redevelopment or reuse.

I do not know the rules related to Brownfield eligibility but I can tell you that we consider the property expanded and it certainly came very close to being abandoned. We also knew that it was a Petrofund site but the state has made no effort or indication that anything will ever happen in regards to that. It has been so long no one even thinks about it anymore. What does that eligibility have to do with whether or not federal EPA funds can be used on a project? The last thing is maybe the most disturbing.....is the DEQ is saying that every operating gas station in Montana is contaminating the environment? I take offense to that premise if they do.

Please vote yes on SB 355. It won't help my facility or family as that opportunity has come and gone but it may help the next facility in rural Montana with a family just trying to keep a vital service open and provide for their family.

Regards,

Leann Lantis
Small Business Owner
4-Corners Convenience Store – Terry MT

February 19, 2015

Senator Chas Vincent, Chairman
Senate Natural Resources Committee
State Capitol Building
Helena, MT 59620-1704

Additional Documents
SENATE: Natural Resources
Date: 2 / 18 / 15
Bill No. SB 355

Dear Senator Vincent,

I am writing this letter in support of Senate Bill 355. As the property owner of a contaminated site who did not cause or create the contamination and have taken the necessary steps to limit contamination, it is my understanding that I should be eligible for Federal Brownfields Assistance.

When the Eastern Montana Brownfields Coalition (EMBC) informed me that my property was sent to them by the Department of Environmental Quality (MT DEQ) as one of over 40 potentially eligible properties to receive Brownfields assistance in Eastern Montana, I was ecstatic and relieved. As a potentially eligible site, the next step was to submit an application to DEQ for eligibility. After taking all necessary steps to complete and submit the application I was informed that my property was denied mainly because the site is Petrofund eligible. This I do not understand nor agree with. Why does the MT DEQ require that state funds be spent in preference to federal funds that are available to do the same work?

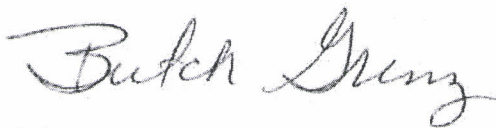
I believe that Senate Bill 355 is necessary to protect state resources, and wisely spend federal funding before state dollars. Without this bill it is my understanding that not one of the over 40 sites on the list sent to EMBC would be eligible if MT DEQ continues to consistently apply their administrative rules unchecked. How is it that a state agency can send out a list of potential sites and there is a good likelihood that none will be eligible?

As a property owner that has been inquiring to the MT DEQ about my site for over 14 years as to what my options for assessment and remediation are, I fully support Senate Bill 355. This Bill would remove road blocks and allow honest hard working citizens like myself who did not create contaminated sites with the option of simply accessing the federal Brownfields Program.

The current process of ever shifting goal posts by the MT DEQ makes no sense environmentally or economically. Senate Bill 355 is necessary to provide relief for honest hard working people who are being unjustly discriminated against.

Thank you for your time and consideration on this extremely important matter.

Sincerely,



Butch Grenz
Miles City

Additional Documents
SENATE: Natural Resources

Date: 2/18/15

Bill No. SB 355

Nicholas Sovner
PO Box 212
Helena, MT 59601

February 23, 2015

Senator Chas Vincent, Chair
2015 Senate Committee: Natural Resources
Montana State Capitol
Helena, MT 59620-0500

Subject: Opposition to House Bill 355

Dear Senator Vincent:

This letter is in direct opposition to House Bill 355 regarding State of Montana's authorization for the spending of Environmental Protection Agency (EPA) Petroleum Brownfields grant funds on leaking underground storage tank sites eligible for reimbursement by the Montana Petroleum Tank Release Compensation Fund. I have worked in the environmental remediation field for over 7 years, and was previously the Petroleum Brownfields Coordinator at the Montana Department of Environmental Quality (MDEQ). I currently work in the private sector as a consultant and continue to work on Brownfields sites in Montana.

This bill would undermine the integrity of the Brownfields program in our State by encouraging our economic development corporations to be out of compliance with their EPA grant requirements. The list below outlines my concerns.

- This bill does not promote or encourage fiscal responsibility; but rather encourages unnecessary expenditures through removal of the Department's ability to deny or limit expenditures that exceed remediation standards; thus allocating unnecessary funding on a project while preventing other projects from occurring due to the finite resources available.
- This legislation is not consistent with the terms and conditions of the cooperative agreement of the grant recipient and potentially could place the grant recipients in risk of noncompliance with EPA and loss of programs.
- Owner/operators that are currently dispensing petroleum should be held accountable for their business and responsible for petroleum releases on their property. This legislation removes that liability and places the financial burden on the taxpayer; whether through federal or state funds.

Thank you for the opportunity to share my opinions on this matter.

Sincerely,



Nicholas Sovner

Local EPA Brownfields Grantees in Support of SB-355

EPA Grantee	Brownfield Area (Counties)	Population in Brownfield Area	Current Available Funds
Eastern Montana Brownfields Coalition (Great Northern Development, Eastern Plans Economic Development Corp., SE MT Development Corporation)	Sheridan, Roosevelt, McCone, Daniels, Valley, Carbon, Custer, Fallon, Prairie, Rosebud, Wibaux, Dawson, Garfield, Carter, and Powder River; and the Fort Peck and Northern Cheyenne Indian Reservations	76,574	\$2.1 million (\$600,000 Assessment and \$1.5 million RLF cleanup grant)
Bear Paw Development Corporation	Hill, Blaine, Chouteau, Phillips, Liberty, including Fort Belknap and Rocky Boys Indian Reservations	35,569	\$1.4 million (\$400,000 Assessment and \$1.0 million RLF cleanup grant)
Sweetgrass Development Corporation	Toole, Glacier, Pondera, Cascade, including Blackfeet Reservation	107,472	\$400,000 Assessment grant ¹
Big Sky Economic Development	Yellowstone	154,162	\$400,000 Assessment grant
Great Falls Development Authority	Cascade	82,384	\$1.0 million RLF, \$400,000 Assessment grant ¹
TOTALS	26 Counties	456,161	\$5.7 Million

¹ - Applied for grant in December 2014